

REMARKS/ARGUMENTS

Claims 1, 2, 4-6, 8-11, 13-15, 17, 18, 20-33, and 39-41 are pending in this application. Claims 1, 10, 22, 24, 25, 26, 30, 39 and 41 are currently amended. Claim 28 is cancelled. In view of the following amendments and remarks, Applicants respectfully request reconsideration of the application.

I. Rejection Under 35 U.S.C. § 112

Claim 28 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as their invention. Claim 28 has been cancelled, therefore this rejection is moot.

II. Rejection Under 35 U.S.C. § 102(b)

a. Claims 1, 2, 4, 18, 20, 21, 24, 25, 30, 31, and 41

Claims 1, 2, 4, 18, 20, 21, 24, 25, 30, 31, and 41 were rejected under 35 U.S.C. § 102(b) as being anticipated over any of Stratman, Sarvie ('697) or Bothum. Applicants respectfully traverse.

The Examiner claims that these three cited patents each show two single piece members with handle and jaw portions with a clamp bar on one member extending into an opening on the other member with the opening upper and lower surfaces providing a guiding means, and a brake lever pivotally engaged within a notch formed in the other member.

Claims 1, 24, 25, 26, 30 and 41 have been amended to add the limitation that a spring is carried by the pivot to bias the first and second members into an open position. Support for this amendment is found at page 9, lines 19-23 and in Figure 1, reference number 35.

None of Stratman, Sarvie '697 or Bothum show or suggest such a spring carried by the pivot in order to bias the members into an open position. In Stratman, a spring 6 is shown between the two handle members. This spring biases the handle members into an open position, but it is not carried by the pivot. It would not be obvious to add a pivot-carried spring to the apparatus shown in Stratman, as it would require not only the addition of a completely new spring design, but also the elimination of the spring 6 as it would be unnecessary. Furthermore, in order to mount such a spring on the pivot the areas of the members around the pivot would need to be completely redesigned to provide space for the spring. Finally, the positioning of the spring on the pivot rather than between the handles decreases the chance of the spring becoming separated from the handles.

In Sarvie '697, the only spring shown interacts with the brake lever and is mounted on the handle, not carried by the pivot. As in Stratman, this is a completely different spring design. Additionally, it does not bias the members into an open position. It would not be obvious to add such a spring to the apparatus shown in Sarvie '697, as it would require the addition of a completely

new spring design mounted in a completely different place. Sarvie '697 is also not designed to quickly spring open when the brake lever is released, a feature which the spring of the present invention provides.

In Bothum, as in Sarvie '697, the only spring shown interacts with the brake lever and is mounted on the handle, not carried by the pivot. As in Stratman and Sarvie '697, this is a completely different spring design. Additionally, it does not bias the members into an open position. It would not be obvious to add such a spring to the apparatus shown in Sarvie '697, as it would require the addition of a completely new spring design mounted in a completely different place. Sarvie '697 is also not designed to quickly spring open when the brake lever is released, a feature which the spring of the present invention provides. Furthermore, the pivot in Bothum could not have such a spring mounted on it, as the pivot in Bothum is designed to adjust between two openings in order to adjust the jaws. Mounting a spring on the pivot point would eliminate this feature.

In addition, it would not be obvious to combine either Reiter or Wolff with the aforementioned patents in order to add a spring carried by the pivot. While both Reiter and Wolff show a spring carried by the pivot, the spring shown in these patents is designed to bias the jaws into a closed position instead of an open one. The spring of the present application biases the jaws into an open position in order to provide a quick-release feature. The apparatuses disclosed

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in both Reiter and Wolff are designed to clamp shut, and can only be released by applying pressure to the handles to urge the jaws apart. In the present apparatus, the jaws are able to spring open once the brake lever is released through the action of the spring carried by the pivot.

As none of Stratman, Sarvie '697, Bothum, Reiter, or Wolff, alone or in combination, show each and every element of the claims as amended, Applicants respectfully request that the § 102 rejection of claims 1, 24, 25, 26, 30 and 41 be withdrawn. As claims 2, 4, 18, 20, 21 and 31 are dependent on these claims and therefore contain each and every limitation of these claims, claims 2, 4, 18, 20, 21 and 31 are believed to be allowable as well and Applicants respectfully request that the § 102 rejection of these claims also be withdrawn.

III. Rejection Under 35 U.S.C. § 103(a)

a. Claims 5, 6, 8-10, 14, 15, 17, 22, 23, 26-29, 32, 33, 39, and 40

Claims 5, 6, 8-10, 14, 15, 17, 22, 23, 26-29, 32, 33, 39, and 40 were rejected under § 103(a) as being unpatentable over any of Stratman, Sarvie '697, or Bothum in view of Wolff et al. The Examiner states that any of Stratman, Sarvie '697, or Bothum show the claimed invention except for the use of a plastic material construction, and that Wolff et al. suggests that a pliers type of clamp can be made of plastic material to allow it to be flexible. Claim 28 has been cancelled, therefore this rejection is moot as applied to claim 28.

While Wolff et al. may suggest the use of plastic material, it remains that none of Stratman, Sarvie '697 or Bothum show a spring carried on the pivot to bias the members into an open position. Therefore, any combination of these pieces of art with Wolff et al. would still not show or suggest each and every feature of the claimed invention. Furthermore, as previously described, it would not be obvious to use the pivot-mounted spring of Wolff et al. in combination with any of the three cited pieces of art. Therefore, this 103(a) rejection should be withdrawn.

b. Claims 11 and 13

Claims 11 and 13 were rejected under § 103(a) as being unpatentable over any of Stratman, Sarvie '697, or Bothum as modified by Wolff et al. as applied to claims 5, 6, 8-10, 14, 15, 17, 22, 23, 26-29, 32, 33, 39, and 40 and further in view of any of Hersey, McGuckin or Reiter. The Examiner claims that any of Stratman, Sarvie '697, or Bothum as modified by Wolff et al. shows the claimed invention except for the use of a spring biased jaw portion, and that any of Hersey, McGuckin or Reiter suggests that a clamp or pliers can have such a spring biased jaw portion to provide the tool with more flexibility.

While Hersey, McGuckin or Reiter may suggest the use of a spring biased jaw portion, it remains that the combination of any of Stratman, Sarvie '697 or Bothum with Wolff et al. does not teach or suggest each and every feature of the claimed invention, as previously described. Therefore, any combination of these

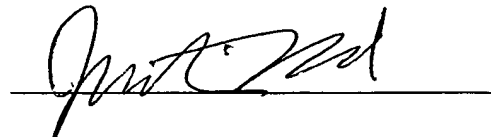
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pieces of art with any of Hersey, McGuckin or Reiter would not show or suggest each and every feature of the claimed invention. Furthermore, as previously described, it would not be obvious to use the pivot-mounted spring of Wolff et al. or Reiter in combination with any of the three cited pieces of art. Therefore, this 103(a) rejection should be withdrawn.

IV. Conclusion

In conclusion, Applicants have overcome each of the rejections. The application is therefore in condition for allowance. If, for any reason, the Examiner believes that the amendments and remarks do not put the claims in condition for allowance, the undersigned attorney can be reached at (312) 245-5394 to resolve any remaining issues.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Justin B. Rand", is written over a horizontal line.

Justin B. Rand
Registration No. 48,552

Attorney for Applicant

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200